

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application and for granting a telephonic interview to applicant's attorney. The application has been carefully reviewed in light of the Office action.

The interview occurred on June 29, 2009. The participants were Examiner's Oluseye Iwarere and Matthew Gart and attorney Brad Spencer. A proposed amendment to claim 7 was discussed and is reflected in the current amendment. The cited Chu, Spagna and Kodama references were also discussed. Applicant's attorney pointed out deficiencies in the cited references that are also discussed below.

Claim Rejections – 35 USC § 103

Claims 7, 9-14, 31 and 33-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chu in view of Spagna and further in view of Kodama. Amended claim 7 recites, "dividing the bill of materials into an essential portion and a non-essential portion, the essential portion *including all hardware components and software components in the bill of materials that have an impact on generation of the disk image* for the target computer system." Chu is cited in the Office action for teaching the concept of dividing a bill of materials in to essential and non-essential portions. Chu teaches a bill of materials (BOM) in which parts are organized in a hierarchical manner (see, e.g., paragraph [0067]). As shown in Fig. 11, Chu's hierarchy is directed to a top-down physical configuration. For example, a computer case 500 can include a motherboard 1000, which in turn can include a memory 1300, which in turn can include a memory chip 1310. Chu does not address the generation of disk images. Unquestionably, there is no suggestion in Chu to divide a BOM into a non-essential portion and an essential portion including all hardware components and software components in the BOM that have an impact on

generation of the disk image for a target computer system. The noted deficiency in Chu's teaching is not corrected by Spagna or Kodama.

Claim 7 further recites, "performing a key generating function on the sorted essential portion of the bill of materials to generate a unique key identifying the disk image for the target computer system." The noted limitations require the generation of a unique key identifying a disk image. Spagna, at paragraph [0229], teaches that a Secure Container includes a BOM that has records about each of the parts included in the Secure Container. Example Secure Container types include offer, order, transaction, content, metadata, promotional and license (see, e.g., paragraph [0233]). Spagna, like Chu, does not address the generation of disk images, and clearly the Secure Container is not a disk image. Spagna teaches to calculate message digests, using a hashing algorithm, for each part of the Secure Container, and to concatenate the digests together and compute another digest. Such information can be used "to verify all of the digests and thus validate the integrity and completeness of the SC(s) and all of its parts." As noted above, the Secure Container is not a disk image, and any identifying that may occur in Spagna using the digests would not identify a disk image (as required by claim 7), but merely components of the Secure Container. The noted deficiency in Spagna's teaching is not corrected by Chu or Kodama. Accordingly, the cited combination of references fails to teach "performing a key generating function on the sorted essential portion of the bill of materials to generate a unique key identifying the disk image for the target computer system."

In view of the differences between the subject matter of claim 7 and the cited combination of references, applicant respectfully submits that claim 7 is allowable over said combination. Claims 9-14 depend from claim 7. The arguments provided above with respect to claim 7 also apply to claim 31. Claims 33-38 depend from claim 31.

Claims 8 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chu, Spagna, Kodama and Nguyen. Claims 8 and 32 depend from claims 7 and 31, respectively. Applicant submits that the above-discussed deficiencies of the Chu/Spagna/Kodama combination are not corrected by the addition of Nguyen, and that the arguments provided above also apply to the combination of Chu, Spagna, Kodama and Nguyen. Accordingly, applicant submits that claims 8 and 32 are allowable over the cited combination of references.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ACER-45267

Respectfully submitted,
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